

IN RE: PETITION FOR ADMIN. VARIANCE  
NW/8 Montrose Avenue, 52' SE  
of the c/l of Hauf Avenue  
(301 Montrose Avenue)  
15th Election District  
5th Councilmanic District  
Russell G. Webb, Jr., et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-30-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Russell G. Webb, Jr., and his wife, Cindy M. Webb. The Petitioners request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet for a proposed addition, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of August, 1993 that the Petition for Administrative Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 8/24/93  
By LES

- 2 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

August 24, 1993

(410) 887-4386

Mr. & Mrs. Russell G. Webb, Jr.  
301 Montrose Avenue  
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
NW/8 Montrose Avenue, 52' SE of the c/l of Hauf Avenue  
(301 Montrose Avenue)  
15th Election District - 5th Councilmanic District  
Russell G. Webb, Jr., et ux - Petitioners  
Case No. 94-30-A

Dear Mr. & Mrs. Webb:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3393.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel

file

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 8/1/93  
Posted for: Russell G. Webb, Jr.  
Petitioner: Russell G. Webb, Jr.  
Location of property: 301 Montrose Ave., Balto., MD 21221  
Location of Sign: Public Hearing on Property of Petitioner  
Remarks:  
Posted by: LES Date of return: 8/6/93  
Number of Signs: 1

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date 7-21-93

Account: R-001-6190

Number JCM

RUSSELL WEBB, JR. 301 MONTROSE AVE.

Admin. V. (010) 50.00

POSTING (080) 35.00

85.00

0240280086KICHC  
88-0003110P07-21-93

\$85.00

Cashier Validation

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does not presently reside at: 301 MONTROSE AVE  
BALTO MD 21221  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include business or practical difficulty)

PERMITS TO EXIST FOR BUILDING ON LOT 15  
FROM PETITIONER'S LINE

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Russell G. Webb, Jr. Cindy M. Webb  
RUSSELL G. WEBB, JR. CINDY M. WEBB  
Type or print names Type or print names

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of July, 1993, before me, a Notary Public of the State of Maryland, and in the County aforesaid, personally appeared  
Russell G. Webb, Jr. and Cindy M. Webb

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal

July 9 1993

My Commission Expires: Nov. 14, 1994

### EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

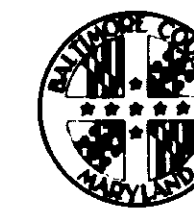
ZONING DESCRIPTION FOR 301 MONTROSE AVE  
(address)  
Election District 15 Councilmanic District 14  
Beginning at a point on the NORTHWEST side of MONTROSE  
(north, south, east or west)  
AVENUE which is 40'  
(street on which property fronts) (number of feet of right-of-way width)  
wide at a distance of 52.98' SOUTHEAST of the  
(number of feet) (north, south, east or west)  
centerline of the nearest improved intersecting street: HAUF AVE  
(name of street)  
which is 30' wide. \*Being Lot # 88.  
(number of feet of right-of-way width)  
Block 6, Section 1 in the subdivision of  
MONTROSE FARMS  
(name of subdivision)  
Book # 6, Folio # 183, containing  
(square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the lot, block and subdivision description as shown, instead state: "As recorded in book Liber    , Folio    " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 09" W. 318 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.

\* S 45° 20' E 52.98', S 25° 22' W 212.50', N 44° 38' W 50', N 25° 22' E 230', TO PLACE OF BEGINNING.

7



## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 301 MONTROSE AVE  
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1, B.C.Z.R., TO PERMIT A SIDE YARD SETBACK OF 5' IN LIEU OF THE REQUIRED 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

PERMITS TO EXIST FOR BUILDING ON LOT 15 FROM PETITIONER'S LINE

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

When an owner signs and affirms under the penalties of perjury that he/she is the legal owner(s) of the property which is the subject of this Petition:  
Legal Owner(s)  
Type or Print Name: Russell G. Webb, Jr.  
Signature: [Signature]  
Address: 301 MONTROSE AVE BALTO MD 21221  
City: BALTO State: MD Zip Code: 21221  
Type or Print Name: CINDY M. WEBB  
Signature: [Signature]  
Address: 301 MONTROSE AVE BALTO MD 21221  
City: BALTO State: MD Zip Code: 21221  
Type or Print Name: CINDY WEBB  
Signature: [Signature]  
Address: 301 MONTROSE AVE BALTO MD 21221  
City: BALTO State: MD Zip Code: 21221

A Public Hearing having been requested and/or held to be requested, it is ordered, by the Zoning Commissioner of Baltimore County, this 24th day of August, 1993, that the subject matter of this petition be set for a public hearing, to be held on August 24, 1993, at 8:00 AM, in the Zoning Administration and Development Management office, 111 West Chesapeake Avenue, Towson, Maryland 21204, or at such other place and time as may be determined by the Zoning Commissioner of Baltimore County, in his/her discretion.

REVIEWED BY: JCM DATE: 7-21-93  
ESTIMATED POSTING DATE: 8-8-93 ITEM #: 34

111 West Chesapeake Avenue  
Towson, MD 21204

August 13, 1993

(410) 887-3353

Mr. and Mrs. Russell G. Webb, Jr.  
301 Montrose Avenue  
Baltimore, Maryland 21221

RE: Case No. 94-30-A, Item No. 34  
Petitioner: Russell G. Webb, Jr., et ux  
Petition for Administrative Variance

Dear Mr. and Mrs. Webb:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 8, 1993 and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 94-30-A (T.C.N.)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-493-5882 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: July 29, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 9, 11, 12, 18, 19, 21, 24, 25, 26, 29, 32, 33, 34, 37 and 39.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: Gary L. Kerns

PK/JL:lw

ZAC.9/ZAC1

BALTIMORE COUNTY, MARYLAND  
Inter-Office Correspondence

TO: Zoning Advisory Committee

DATE: August 3, 1993

FROM: Captain Jerry Pfeifer

SUBJECT: August 9, 1993 Meeting

- #29 No Comments
- #30 No Comments
- #31 No Comments
- #32 No Comments
- #33 No Comments
- #34 No Comments
- #35 Building shall comply with the 1991 Life Safety Code.
- #36 Surface for Fire Department access shall be paved and capable of handling 50,000 lbs. on 2 axles.
- #37 No Comments
- #38 No Comments
- #39 No Comments

JP/cmc

RECEIVED  
AUG 5 1993  
ZADM

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

MAY 28, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Russell G. Webb, Jr. and Cindy M. Webb  
301 Montrose Avenue  
Baltimore, Maryland 21221

Re: CASE NUMBER: 94-30-A (Item 34)  
301 Montrose Avenue  
301 Montrose Avenue, 52' x 110' SE of c/d of Ward Avenue  
15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case. Should reference the case number and be directed to 887-3353. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 8, 1993. The closing date (August 23, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commission), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

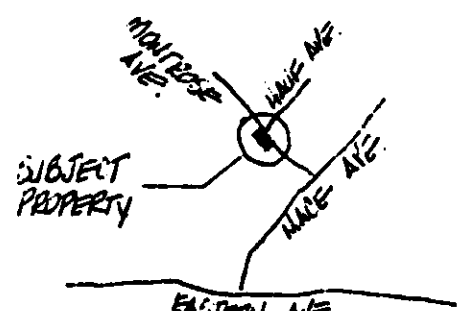
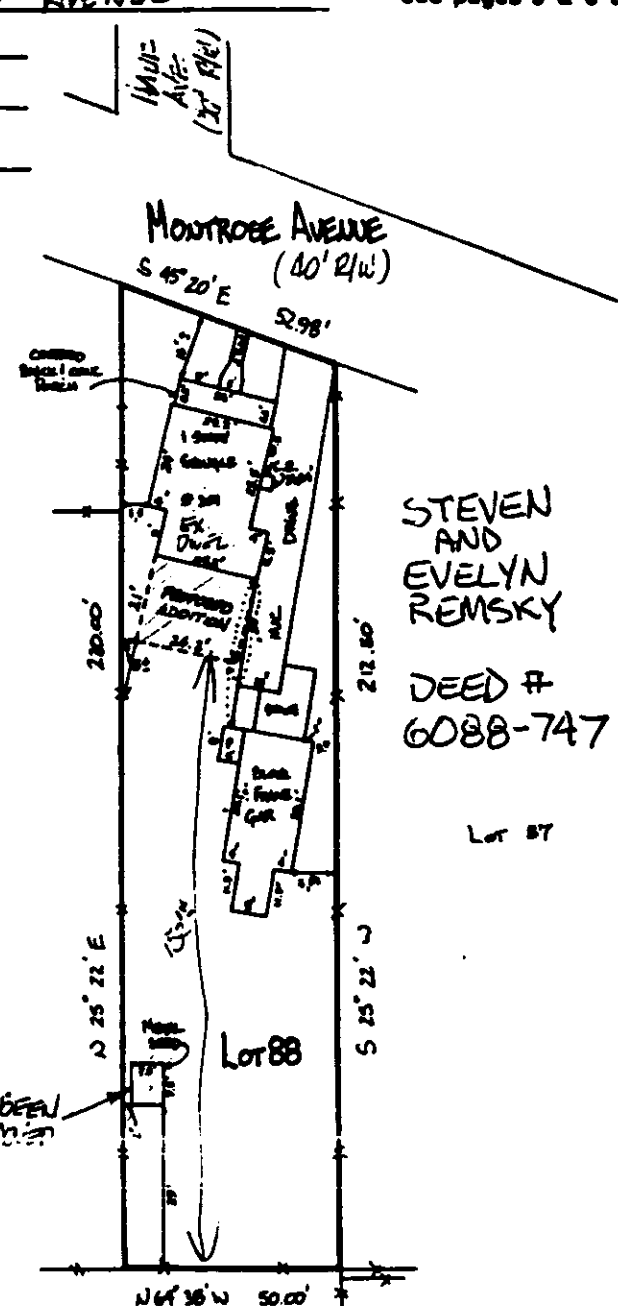
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jablon  
Arnold Jablon  
Director

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 301 MONTROSE AVENUE  
Subdivision name: MONTROSE FARMS  
plat book 6, folio 153, lots 83  
OWNER: Russell G. & Cindy M. Webb, Jr.



LOCATION INFORMATION

Election District: 15  
Councilmanic District: 14  
T-200' scale map: NE-F2  
Zoning: DB 5.5  
Lot size: 25,264 11,000 sq. ft.  
square feet

SEWER: ☒  
WATER: ☒

Chesapeake Bay Critical Area: ☒  
Prior Zoning Hearing: ☒

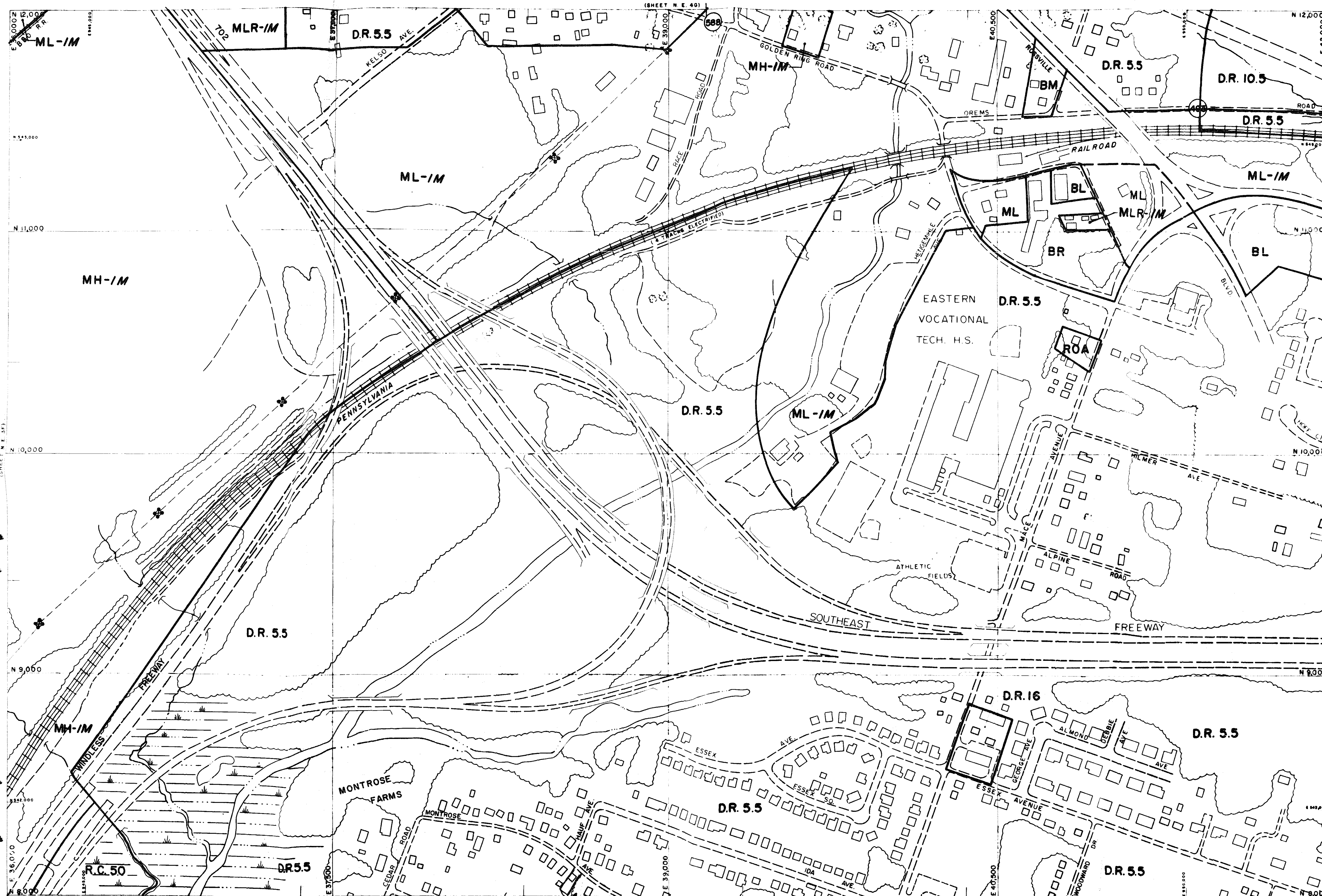
Zoning Office USE ONLY!

reviewed by: JCM ITEM #: 34 CASE: 34





94-30-A



1 - SW  
1 - NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

**BALTIMORE COUNTY**  
**OFFICE OF PLANNING AND ZONING**  
**OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

*William A. Howard*  
Chairman, County Council

SCALE

1" = 200' ±

DATE

OF

PHOTOGRAPHY

JANUARY

1986

LOCATION

STEMMERS RUN

SHEET

N.E.  
3-6